

# असाधारण EXTRAORDINARY

भाग II—खण्ड 2 PART II—Section 2

प्राधिकार संप्रकाशित

# PUBLISHED BY AUTHORITY

सं∘ 46]

नई विल्ली, शुक्रवार, विसम्बर 16, 1977, प्रशाहायरा 25, 1899

No. 46]

NEW DELHI FRIDAY, DECEMBER 16, 1977/AGRAHAYANA 25 1899

इस भाग में भिन्न पृष्ठ संख्या दी जाती हैं जिससे कि यह अलग संकलन के रूप में रखा जा सर्क। . Separate paging is given to this Part in order that it may be filed as a separate compilation

### RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 16th December, 1977:—

BILL NO VI of 1977

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1977.

Short title.

Amend-

ment of

Second Schedule

- 2. In PART A of the Second Schedule to the Constitution, for paragraph 1, the following paragraph shall be substituted, namely:—
  - "1. There shall be paid to the President and to the Governors of the States the following emoluments per mensem, that is to say:—

The President

The Governor of a State

3,000 rupees.

2,000 rupees".

## STATEMENT OF OBJECTS AND REASONS

The Salaries of the President and the Governors were fixed at very high figures. It has been noted that the President does not require a monthly salary of Rs. 10,000|- for discharging his responsibilities and functions consistent with the dignity of the high office. In fact, more than one President have voluntarily surrendered a good portion of their salary. This has been appreciated by the public. As for the Governors the post itself now is a subject matter of controversy. Some political parties have been demanding abolition of the post of Governor. In any case there is no justification for providing the present high salary to the Governor.

The Bill accordingly seeks to reduce the quantum of salary in the case of the President to 3,000 rupees and in the case of the Governor of a State to 2,000 rupees per month.

BHUPESH GUPTA.

### BILL No VIII of 1977

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows:—

- 1 This Act may be called the Constitution (Amendment) Act, 1977.
- 2. In article 120 of the Constitution, clause (2) shall be omitted.
- 3. In article 210 of the Constitution, clause (2) shall be omitted.

Short title. Amendment of article 120. Amendment of article 210.

4 In PART XVII of the Constitution, "after CHAPTER—I LANGU-AGE OF THE UNION" the following article shall be inserted, namely:—

Insertion of new article 342A.

'342A, Definition.—In this Part "a Hindi speaking State" means a State the official language of which is Hindi and "a non-Hindi speaking State" means a State the official language of which is other than Hindi'

l- Amendment of article 343

5. In article 343 of the Constitution, for clauses (2) and (3), the following clauses shall be substituted, namely:—

"(2) Notwithstanding anything in this Part or in any other provision of this Constitution, the English language shall also be the official language of the Union in addition to Hindi and shall continue to be used for all the official purposes of the Union:

Provided that the English language shall cease to be the official language of the Union under this clause if the Legislative Assembly of every non-Hindi speaking State passes a resolution by a majority of not less than three-fourths of the total membership of that Assembly declaring that the English language shall cease to be the official language of the Union

(3) Whenever Hindi is used for any of the official purposes of the Union, a translation of the same in the English language shall also be made available."

Amendment of article 344.

- 6. In article 344 of the Constitution,—
- (a) in clause (6), for the words "Notwithstanding anything in", the words "Subject to the provisions of" shall be substituted;
- (b) to clause (6), the following proviso shall be added, namely.—

"Provided that no direction under this clause shall be issued imposing restrictions on the use of the English language for all or any of the official purposes of the Union. unless the Legislative Assembly of every non-Hindi speaking State passes a resolution by a majority of not less than three-fourths of the total membership of that Assembly agreeing to such restrictions"

Substitution of article 346

7. For article 346 of the Constitution, the following article shall be substituted, namely:—

Language for communication between one State and another or between a State and the Union.
Amendment of

article 348.

"346 The language for communication between a Hindi speaking State and a non-Hindi speaking State, between one non-Hindi speaking State and another non-Hindi speaking State, between a non-Hindi speaking State and the Union, and a Hindi speaking State and the Union shall be the English language"

8. In article 348 of the Constitution to clause (1), the following proviso shall be added, namely —

"Provided that no Bill or amendment for the purpose shall be introduced or moved in either House of Parliament unless the Legislative Assembly of every non-Hindi speaking State passes a resolution by a majority of not less than three-fourths of the total membership of that Assembly agreeing to such Bill or amendment."

Amendment of article 368 9. In article 368 of the Constitution, after the proviso in clause (2) the following further proviso shall be inserted, namely.—

"Provided further that if such amendment seeks to make any change in article 343, proviso to clause (6) of article 344, article 346 or article 348, no Bill for the purpose shall be introduced or amendment moved in either House of Parliament unless the Legislative Assembly of every non-Hindi speaking State passes a resolution by a majority of not less than three-fourths of the total membership of that Assembly agreeing to the introduction of such Bill or moving of such amendment."

Explanation—In this article "a non-Hindi speaking State" has the same meaning as in Part XVII.

### STATEMENT OF OBJECTS AND REASONS

Under article 343(1) of the Constitution, Hindi is declared to be the official language of the Union. Article 343(2) of the Constitution provides that English shall continue to be used till 1965 for all the official purposes of the Union for which it was being used immediately before the 26th January, 1950.

There has been a persistent and repeated agitation in the non-Hindi speaking areas against the recognition of Hindi, which is also a regional language, as the official language of the Union for the reason that such recognition would place the people in non-Hindi speaking areas at a definite disadvantage. The aim of this agitation is to seek deletion of Hindi as the official language from the Constitution, so as to make a compromise between the two extreme stands. The late Prime Minister, Pandit Jawaharlal Nehru, gave an assurance that English would continue to be used as the Official language of the Union and for inter-State purposes without any time limit except when the people in the non-Hindi speaking areas agree to the discontinuance of English With a view to give effect to this assurance, the official Languages Act was passed in 1963 and was later amended in 1968. But in practice neither the 1963 Act nor the amending Act of 1968 have allayed the fears of the non-Hindi speaking people as they were only Acts of Parliament which could always be repealed or amended by a simple majority. It has been possible to circumvent the provisions. These Acts have left many things to be decided and have fallen short of the expectations of the people in the South and other non-Hindi speaking areas,

With a view to alter this Constitutional status of Hindi, it is proposed as a step in that direction, to embody the provisions of the official Languages Act, 1963 and the assurance of Shri Nehru in the Constitution itself so that it could not be altered at the will of a simple majority in Parliament. In order to meet the just and reasonable demand of the non-Hindi speaking people, the Bill seeks to amend the Constitution so as to provide that the English language shall also be the official Language of the Union and shall be used for all the official purposes of the Union. The Bill also seeks to provide for the safeguards that will have to be taken before any amendment of the Constitution affecting the position of the English language as official language of the Union is introduced in either House of Parliament.

MURASOLI MARAN.

## BILL No. VII or 1977

A Bill to repeal the Maintenance of Internal Security Act, 1971.

BE it enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows:—

1. This Act may be called the Maintenance of Internal Security (Repeal) Act, 1977.

2. The Maintenance of Internal Security Act, 1971, is hereby repealed. Repeal of Act

nepeal of Act 26 of 1971.

### STATEMENT OF OBJECTS AND REASONS.

The Maintenance of Internal Security Act, 1971 was passed by Parliament in the face of strong opposition. During the Emergency, and even before, this measure has been grossly misused. It may be recalled that for a year and a half from 1970 there was no such Central Law on the Statute Book The Preventive Detention Act, which was to be renewed, was allowed to lapse in deference to the wish of the Opposition. Of course, at that time the Government did not have its own majority in the Lok Sabha and was carrying on as a Minority Government Only after the 1971 general elections was the Preventive Detention Act was revived under a new title and in a harsher form. At that time the Government gave an assurance against its misuse but that assurance was not kept by the previous Government During the Lok Sabha elections in 1977 all the political parties except the Congress came out against the Maintenance of Internal Security Act. The Janata Party was one of them and its Election Manifesto contained a categorical assurance to the effect that the maintenance of Internal Security Act would be repealed. No steps towards that end have so far been taken which has caused considerable resentment among the public. Hence, this Bill.

BHUPESH GUPTA.

### BILL No. XIV of 1977

A Bill to establish and incorporate a unitary teaching and residential University in Delhi

Whereas it is expedient to establish and incorporate a unitary teaching and residential University at Delhi and to dissolve the Society registered under the Societies Registration Act, 1860 known as the Jamia Millia Islamia which is also deemed to be a University for the purposes of the University Grants Commission Act, 1956 and to transfer to, and vest in, the said University all properties and rights of the said Society;

21 of 1860.

3 of 1956.

Br it enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows:—

Short title and Commencement. Definitions.

- 1 (1) This may be called the Jamia Millia Islamia University Act, 1977.
- (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.
  - 2. In this Act, unless the context otherwise requires,-
  - (a) "Academic Council" means the Academic Council of the University;

- (b) "Court" means the Court of the University;
- (c) "Executive Council" means the Executive Council of the University;
- (d) "prescribed" means prescribed by Statutes, Ordinances or Regulations;
- (e) "Statutes', "Ordinances" and "Regulations" mean, respectively, the Statutes, Ordinances and Regulations of the University;
- (f) "teachers" means professors, readers, lecturers, demonstrators and such other persons as may be appointed for imparting instruction in the University, and
  - (g) "University" means the Jamia Millia Islamia University.
- 3. (1) There shall be constituted in the Union territory of Delhi a University by the name of "Jamia Millia Islamia University".

The University

- (2) The first Chancellor and the first Vice-Chancellor of the University and the first members of the Court, the Executive Council and the Academic Council and all persons who may hereafter become such officers or members so long as they continue to hold such office or membership are hereby constituted a body cornerate by the name of "Jamia Millia Islamia University."
- (3) The University shall have perpetual succession and a common seal, and shall sue and be sued by the said name.
  - 4. From the commencement of this Act,—
  - (i) the Society known as the Jamia Millia Islamia shall be dissolved, and all property, movable and immovable, and all rights, powers and privileges of the said Society shall be transferred to, and vest in, the University and shall be applied to the objects and purposes for which the University is incorporated,
- the Jamia
  Millia
  Islamia
  and transter of
  property,
  etc to
  the Uni-

versity

Dissolu-

- (n) all debts, liabilities and obligations of the said Society shall be transferred to the University and shall thereafter be discharged and satisfied by it,
- (uv) all references in any enactment to the said Society shall be construed as references to the University;
- (w) subject to the provisions of this Act, every person empolyed immediately befor the commencement of this Act in the Jam'a Millia Islamia shall hold employment in the University by the same tenure and upon the same terms and conditions and with the same rights and privileges as to pension and gratuity as he would have held the same under the Jamia Millia Islamia, if this Act had not been passed
- 5. The University shall have the following powers, namely:—
- (1) to provide for instruction in such branches of learning as the University may think fit, and to make provision for research and for the advancement and dissemination of knowledge;
- Powers of the University.
- (2) to hold examinations and to grant and confer degrees and other academic distinctions;

- (3) to co-operate with other Universities and authorities in such manner and for such purposes as the University may determine; and
- (4) to do all such other acts and things whether incidental to the powers aforesaid or not as may be requisite in order to further the objects of the University.

Officers of the University

- 6. (1) There shall be a Chancellor of the University appointed in the prescribed manner who shall be the Head of the University and shall if present preside at any of its convocation for conferring degrees.
- (2) There shall be a Vice-Chancellor appointed in the prescribed manner who shall be the principal executive and Academic Officer of the University and ex-officio Chairman of the Court, the Executive Council and the Academic Council.
- (3) There shall be a Dean for each School of Study and for each Faculty who shall be appointed in such manner and with such powers and duties as may be prescribed by the Statutes.
- (4) There shall be a Registrar appointed in the prescribed manner who shall act as Secretary of the Court, the Executive Council and the Academic Council and shall exercise such powers and perform such duties as may be prescribed by the Statutes.
  - (5) There shall be such other officers as provided for in the Statutes.

Authorities of the University 7 The authorities of the University shall be the Court, the Executive Council, the Academic Council, the Faculties and such other authorities as may be declared by the Statutes to be authorities of the University.

The Court.

8 The Court shall be the supreme authority of the University, and its constitution and the term of office of its members shall be prescribed by the Statutes.

The Executive Council 9. The Executive Council shall be the executive body of the University, and its constitution and the terms of office of its members, other than ex-officio members, shall be prescribed by the Statutes.

The Academic Council 10. The Academic Council shall be the academic body of the University, and its constitution and the terms of office of its members other than ex-officio members, shall be prescribed by the Statutes.

Statutes

- 11. (1) The first Statutes shall be framed by the Central Government and a copy of the same shall be laid, as soon as may be, before each House of Parliament.
- (2) The Executive Council may, from time to time, make new or additional Statutes or may amend or repeal the Statutes.

Ordinar ces

- 12. (1) Subject to the provisions of this Act and the Statutes, the Executive Council shall have the power to make Ordinances.
- (2) All Ordinances made by the Executive Council shall be submitted, as soon as may be, to the Court and the Court shall have power, by a resolution passed by a majority of not less than two-thirds of the members voting to cancel any Ordinance made by the Executive Council,

and such Ordinance shall, from the date of such resolution, cease to have effect

13. The authorities of the University may make Regulations consistent with this Act, the Statutes and the Ordinances for the conduct of their own business and that of the committees appointed by them and not provided for by this Act, Statutes or the Ordinances in the manner prescribed by the Statutes.

Regulations

14 No act or proceeding of any authority of the University shall be invalidated merely by reason of the existence of a vacancy or vacancies among its members.

Proceedings of University authorities not invalidated by vacancies

15. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the purposes of this Act, as appear to it to be necessary or expedient for removing the difficulty.

Removal of difficul-

16. Notwithstanding anything contained in this Act, the persons functioning as Chancellor, members of the Court, the Executive Council and the Academic Council of the Jamia Millia Islamia shall be nominated by the Central Government to continue as such and hold office for the remainder of their terms.

Transltional provisions

### STATEMENT OF OBJECTS AND REASONS

The Jamia Millia Islamia was founded in 1920, as an integral part of the policy animating the Khilafat and the non-co-operative movements. The Jamia was basically founded as an institution of higher learning for providing liberal education and for meeting the national educational aspirations. During the days of foreign rule, the Jamia undertook the bold responsibility of furthering nationalist ideals through academic endeavours inspite of numerous difficulties

- 2. Recognising the Jamia's unique and important role in the field of education, the UGC accorded it the status of a "Deemed University" in 1962, under section 3 of the University Grants Commission Act, 1956.
- 3 It is now considered necessary that in recognition of the valuable services rendered by the Jamia in furthering educational and cultural ideals, the Institution should be given the status of a full-fledged University. It will, however, be necessary to retain its historical character and composition.

This Bill seeks to achieve the above objectives

KHURSHED ALAM KHAN

### FINANCIAL MEMORANDUM

The Jamua Millia Islamia is wholly financed by the Ministry of Education and the UGC. The annual grant, as at present, is of the order of Rs. 52,01,900, the break up of which is as under—

Annual UG.C grant

Rs 39,35,90 i

Annual Ministry Grant

Rs 12,66,000

This grant does not include the development grant for development programmes which depends upon the approved development programmes.

The change of the status of the Institution from the "Deemed University" to a full-fleged University is not likely to add to financial commitments as at present unless of course in due course the existing Faculties are expanded or new Faculties are added with the approval of the competent authority. Therefore the actual financial expenditure cannot be visualized at this stage.

## MEMORANDUM REGARDING DELEGATED LEGISLATION

Sub-clause (1) of clause 11 of the Bill empowers the Central Government to frame the first Statutes This delegation of legislative power is of a normal character.

S S. BHALERAO,

Secretary-General